CHIEF SECRETARIAT
(General Administration Department)

Notification dated 1st June 1974.

No. GAD 1 INS 74. The final Inter State Seniority List in the cadre of Pandits and Munshis in High Schools, Training Schools and Training Institutions of the Department of Public Instruction was published in accordance with the decisions of the Government of India in Part III-I of the Mysore Gazette dated 14th December 1967 under Notification No. GAD 149 INS 67 dated 25th November 1967 and in that list, the name of Smt. H. Padmavathi was included at Sl. No. 213 reckening her date of continuous officiation from 26th September 1956.

Aggrieved by the rank determined in the said final Inter State Seniority List, Smt. H. Padmavthi filed a writ petition No. 2798/69 in the High Court of Karnataka in their judgment dated 27th November 1973 quashed the rank assigned to the petitioner in the aforecited final Inter State Seniority List and directed the Union of India to assign a fresh ranking to the petitioner after giving an opportunity to the petitioner and others likely to be affected thereby, of making representations in that behalf. The judgment of the High Court is Annexed.

Representations may be submitted in six sets addressed to the Secretary to the Government of India, Department of Personnel and A. R., Cabinet Secretariat, North Block, New Delhi through the Director of Public Instruction in Karnataka, Bangalore by the petitioner, respondents in the aforecited writ petition and all others in terms of the judgment of the High Court, within one month from the date of publication of this Notification in the Gazette.

By Order and in the name of the Governor of Karnataka,

B. P. Patil,
Dy. Secy, to Govt., G A.D.
(*Integration*)

8062/5—12—73.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

Dated the 27th day of November 1973.

Before:

The Hon'ble Mr. Justice V. S. Malimath.

Writ Petition number 2798/1969.

Smt. H. Padmavathi, wife of H. Seetharama Rao, aged above 45 years, Hindi Panlit, Government Secondary and Training School for women, Balmatta, Mangalore. *Petitioner.*

(By Sri N. Santhosh Hegde)

1 The Union of India, by the Secretary for Home Affairs, New Delhi.
2 The State of Mysore by the Chief Secretary, Vidhana Soudha, Bangalore.
3 K Ranganayaakamma, aged 51 years, Kan. Pandit, High School, Malleswaram, Bangalore.
4 N V Rangamma, aged 55 years, Kan. Pandit, Govt. High School for Girls, Holenarsipur.
5 M V Prahladachar, aged 49 years, Sanskrit Pandi, Govt. High School, Tiptur.
6 K N Lakshmamma, aged 43 years, Kan. Pandit, Maharani's High School, Mysore.
(Deleted vide order dated 18th September 1972).
7 T Seshamma, Hindi Teacher, aged 55 years Govt. Girls High School, Malleswaram, Bangalore.
8 D R Nagesha Rao, aged 72 years Kan Pandit, Govt. High School, Madhugiri.
(Deleted Vide order dated 18th September 1972.
Ahmed Sheriff, aged, 55 years Kan. Pandit, Govt. High School, Kortagere.
10 T V Krishnappa, aged 66 years Kan Pandit, Govt. High School, Madhugiri
(Deleted Vide order dated 18th September 1972
11 R Anantasrinivasaih, aged 60 years, Kan Pandit. Govt High School, Tiptur. (Deleted vide order dated 18th September 1972)
12 I S Puttaswamaiah, aged 54 years. Hindi Teacher, Govt. High School for Boys, Hassan. (Deleted vide order dated 18th September, 1972)

13 Abdul Hameed Beig, aged 59 years. Urdu Munshi (Deleted vide order dated 18th September 1972)
14 S H Govindar, aged 49 years, Hindi Pandit. A K Girls High School, Bijapur
15 H Nanjaiah, aged 61 years, Kan. Pandit, Empress Girls High School, Tumkur. (Deleted vide order dated 18th September 1972)
16 S Rajgupta, aged 53 years Telugu Pandit, Govt. High School, Fort Bangalore. (Deleted vide order dated 18th September 1972)
17 C Madaiah, aged 57 years, Kan. Pandit, Govt. High School, Mudigere.
18 M Rangaiah, aged 57 years, Kan. Pandit, Govt. High School, Mudigere.
19 C M Yareseema, aged 50 years, Kan. Pandit, Govt. High School, Tiptur.
20 S K Linganna, aged 54 years, Kan. Pandit, Govt. High School, Mayakonda
21 B K Nanjappa, aged 59 years, Hindi Teacher, Govt. High School, for Boys. Hassan.
22 Acharya Ganapathy, aged 51 years, Hindi Teacher, Govt. High School Chickballapur.
23 P R Sreenivasa Sastry, aged 47 years, Hindi Pandit, Central High School, Bangalore.
24 T K Subba Rao, aged 60 years, Hindi Teacher, Govt. High School Chitradurga. (Deleted vide order dated 18th September 1972)
25 A T Srinivasa Raghavachar, aged 59 years, Hindi Teacher, Govt High School, Tumkur.
26 Smt S Padma, aged 50 years, Hindi Teacher, Maharani's High School, Mysore.
27 H K Nagaraja Rao, aged 43 years, Hindi Teacher, Govt. High School, Nanjangud.
28 K Narayanacharya, aged 57 years, Hindi Teacher, Govt. High School, Madhugiri. (Deleted vide order dated 18th September 1972)
29 D Thangavelu, aged 47 years, Hindi Teacher, Govt High School, Kolar.
30 K Markandeya Rao, aged 58 years, Hindi Teacher, Govt. High School, Shimoga. (Deleted vide order dated 18th September 1972)
31 Roshan Khan, aged 63 years, Moulvi, Govt. High School Chickballapur. (Deleted vide order dated 18th September 1972)
32 P Abdul Khadar, aged 46 years, Moulvi, Govt. Training College, for Men, Mysore.
33 B Narayan Bhat, aged 49 years, Hindi Pandit, Govt. High School, Mulki.
34 Smt. B Gowramma, aged 51 years, Kan. Pandit, C G High School, Tiptur.
35 H N Krishna Murthy, aged 52 years, Kan. Pandit, Govt. Boys High School; Davangere.
36 H Abdul Khudus, aged 61 years, Persian Moulvi.
(Deleted vide order dated 18th September 1972)
37 V S Sampathkumar Char, aged 61 years, Sanskrit Pandit., Govt. High School, Nanjangud.
(Deleted vide order dated 18th September 1972)
38 Munisubba Rao, aged 61 years, Kan. Pandit.
(Deleted vide order dated 18 September 1972)
39 K S Venkatachala Sastry aged 46 years, Sanskrit Pandit, Govt. High School, Shimoga.
40 K Krishna Char, aged 60 years, Sanskrit Pandit, G M High School, Davangere.
(Reapt. 40 deleted vide order dated 20th January 1972)
41 M Krishna Murthy, aged 53 years, Hindi Pandit G M High School, Davangere.
42 B Kapinaiah aged 47 years, Hindi Pandit, Maharaja's High School, Mysore.
43 Ghouse Mohiyuddin, aged 49, Hindi Pandit, Govt High School, Korategere.
44 Chikkanarasimaiah, aged 57 years, Hindi Pandit, Govt. High School. Mandya.
45 C R Jayakumar, aged 51 years, Hindi Pandit, Govt. High School, Tumkur.
46 B V Panduranga Naidu, aged 41 years. Hindi Pandit, Maharanis, High School, Mysore.
47 A G Channabasava Setty, aged 40 years, Hindi Pandit, Maharaja's High School, Mysore.
(Deleted vide order dated 25th July 1972)
48 D Ramachandra Aged, 38 years. Hindi Pandit Govt. High School.
49 P K Kalmat. aged 43 years Hindi Pandit, Govt. High School Malleswaram, Bangalore.
50 S Krishnamma, aged 40 years, Hindi Pandit, Govt. High School Malleshwram, Bangalore.
51 N Lakshmanagappa, aged 52 years Hindi Pandit, Govt. Boys High School, Davangere.
52 V Venkataramaiah, aged 42 years, Hindi Pandit, Govt. Boys High School, Davangere.
53 K Karibasappa, aged 42 years, Hindi Pandit.
54 V M Huliahatti, aged 47, Hindi Pandit.
55 S Chikkanna, aged 47 years, Kan. Pandit.
56 R. Madhavi, aged 42 years Hindi Pandit, V. V. I. Bangalore.
57 B. H. Shivarudraiah aged 44 years, Sanskrit Pandit, Maharani's High School, Mysore.
58 A. Raghavendrachar, aged 57 years, Sanskrit Pandit, Govt. High School, Fort Bangalore.
(Deleted vide order dated 18th September 1972)
59 K. S. Ananthanarayana, aged 55 years, Sanskrit Pandit, Govt. High School, For Girls Basavangudi.
60 G. R. Srinivasa Desikachar, aged 49 years, Sanskrit Pandit, Govt. Boys High School, Hassan.
61 A. C. Rame gowda, aged 51 years, Hindi Pandit Govt. High School, Fort Bangalore.
(Deleted vide order dated 26th July 1973)

62 Abdul Haq, aged, 60 years, Urdu Moulvi, Empress Girls High School, Tumkur.
(Deleted vide order dated 18th September 1972)
63 B. Venkatappa, aged 54 years, Kan. Pandit Govt. Central High School, Bangalore.
64 A Ramachandra Rao, Kan. Pandit, aged 56 years, Govt High School, Madhugiri.
65 M Venkataiah, aged 53 years. Kan. Pandit Govt. Boys High School. Davangere.
66 K R Lakshmikanthaiah, aged 56 years, Kan. Pandit, Govt. Boys High School, Davangere.
67 T Nagamma, aged 51 years Kan Pandit, Govt. Girls High School, Hassn.
(Deleted vide order dated 26th July 1973)
68 N Venkatanarasamma, aged 55 years, Kan. Pandit, Govt. Girls High School, Davangere.
(deleted vide order date 26th July 1973)
69 K B Bhadrachar, aged 55 years, Kan. Pandit, Govt. High School, Nanjangud, (Deleted vide order dated 18th September 1972)
70 N S Rajagopalachar, aged 60 years, Kan. Pandit, Govt. High School, Bangalore.
(Deleted vide order dated 18th September 1972).
71 D Padmanabha, Sharma, aged 44 years, Kan. Pandit, Govt. High School, Tiptur.
72 G Shamachar aged 63 years, Kan. Pandit. Govt. High School, Mayakonda.
(Deleted vide order dated 18th September 1972)
73 M S Venkataramaiah, aged 61 years, Kan Pandit, G C High School, Chitradurga.
Deleted vide order dated 18th September 1972)
74 Syed Nizamudnisa, aged 60 years, Moulvi, Govt. Girls High School, Hassan.
75 Siddabasavaiah, aged 53 years, Kan. Pandit, Govt High School, Tumkur.
76 Fakrulla Baig, Urdu Moulvi aged 65 years, Govt. High School, Shimoga.
(Deleted vide order dated 18th September 1972).
77 K Veerabhadradevaru, aged Sanskrit Pandit, Govt. High School, Nanjangud.
(Deleted vide order dated 18th September 1972)
78 Kursheeda Bi, aged 46 years, Urdu Moulvi Girls High School, Chitradurga.
(Delete vide order dated 26th July 1973).
79 Nandibasavaiah, aged Sanskrit Pandit, Maharaja's High School, Mysore.
80 K Krishna Sastry, aged 57 years, Sanskrit Pandit, Govt. High School, Thirtahalli.
(Respt. 80 deleted vide order dated 2nd Novembet 1973).
81 M Varadachar, aged 48 years. Sanskrit Pandit, Govt. High School, Chitradurga.
82 K A Kotrapp, aged 43 years, Kan. Pandit, Govt Girls High School, Hospet, Bellary.
83 Ameer Khan aged 65 years, Moulvi Govt. Boys High School, Chitradurga.
84 K R Suryanarayana Sastry, aged 44 years, Hindi Pandit G B T.I. Vidyanagar.
85 N Aswathanarayana, aged 52 years, Kan. Pandit, Govt. Boys High School, Hassan.
86 B S Seetharamaiah aged 51 years, Kan. Pandit. Govt. Poys High School, Kolar.
87 A D Gaonkar, aged 41 years. Hindi Teacher, Govt. Agr. High School. Bijapur.
88 B B Terdal, aged 59 years, Language Teacher, P B. High School, Jamkhandi.
89 K B Krishna Murthy, aged 39 years Hindi—*Cum*—Kan. Lecturer, Basic Training College, Kudige, Coorg.
90 T Keshava Bhat, aged 44 years, Kan. Pandit. Acharya Patashala College. Basavanagudi, Bangalore.
91 S. R. Narayana Rao, aged 54 years, Kan. Pandit, Government High School, Virajpet.
92 B. R. Narayana Rao, aged 55 years, Hindi Pandit, Government High School' Ponnampet.
93 T S. Narayana Rao, aged 49 years, Kan. Pandit, Government High School, Ponnampet
94 K. C. B Bhat, aged 54 years, Kan. Pandit, Government High School, Napokul.
95 Mrs Kamala Bai B Das, aged 43 years, Hindi Pandit, Government High School, ponnampet.
96 N S Ramachandra, aged 57 years, Kan. Pandit Ponnampet.
97 K S Shankara, aged 53 years, Kan Pandit Govt. High School, Virajpet.
98 B Narayana Bhat, aged 48 years, Hindi Pandit Govt. High School, S mwarpet.
99 B Keshava Bhat, aged 42 years, Kan Pandit Govt. High School, Virajpet.
100 S A Ravish, aged 50 years, Urdu Munshi, G. H. S. School, Virajpet.
101 B K Ramakrishana Sharma, Aged 50 years, Hindi Pandit, G vt. High School, Napoklu.
102 K Sachidanandaiah, aged 39 years, Kan. Pandit
103 M Mahabaleshwar Bhat, aged 40 years, Kan. Pandit G. H. S. School, Mercara.
104 M Krishan Rao, aged 40 years, Kan. Pandit Govt. High School, Napoklu.
105 R Racha Chari, aged 60 years, Kan. Pandit High School, Jog. (Deleted vide Order dated 18th September 1972).
106 G Revanna, aged 58 years, Kan. Pandit, S. K. V. D. High School, Chicknahalli.
107 K Narayan Bhat, aged 42 years, Hindi Pracharak, D. E. O's Coorg office, Coorg.
108 M Balaji, aged 44 years Hindi Pandit, Govt. High School, Chickballapur.
109 Vishwaswara Somiyaji, aged 45 years, Sanskrit Pandit, Govt. High School, Kunigal.
110 G Venkoba Rao, aged 59 years, Kan. Pandit, Govt High School, Ramanagaram. (Deleted vide order dated 11th April 1973)
111 R Seshadri Sastry, aged 55 years, Sanskrit, Pandit, Govt. High School, Ramanagaram.
112 G Srinivasa Sharma, aged 62 years, Kan. Pandit, Govt. High School, Nanjangud (Deleted Vide order dated 17th April 1973).
113 K G Manai, aged 49 years, Kan. Pandit, Govt. High School, Mulki.

114. Kalavathi, N. Kamath, aged, — Hindi, Pandit, Government High High School, Napoklu.
115. U. Shankar Bhat, aged 37 years, Kan, Pandit G. H. S. School, Somwarpet.
116. R. S. Pant, aged 57 years, Hindi Teacher, A. K. G. H. School, Dharwar. *Respondents.*

(By Shri. M. Papanna, Jr. Central Government, Standing Counsel, for, R-1 Sri. K. S. Puttaswamy, I Additional Government, Advocate, for R-2, Sri. S. V. Narasimhan for R-28, not present).

Writ petition under Articles 226, and 227, of the constitution, of India. with an affidavit praying that in the circumstances stated therein this court may be pleased, to direct the Respondents 1 and 2 to place the petitioner, at Sl. No. 99 in the final ISS. List Dated 25th November 1967, in No. GAD. 149, INS. 1967, Respt 2 *etc.*,

This writ petition, coming on for hearing this day, the court made the following:—

ORDER.

The petitioner, has, in this writ petition, challenged the ranking assigned to her in the final ISS. List in the Category of Pandits and Munshis in High Schools and Training Institutes of the Department, of Public Instructions Dated 25th November 1967, published in the *Mysore, Gazette*, of 14th December 1967. In the provisional Inter State seniority under Notification Dated 5th April 1966, and published in the *Mysore Gazette*, of 23rd April 1966, the petitioner, was assigned the 89th rank, but in the final ISS. List, the petitioner, has been assigned 213th rank.

2. The contention, of Sri. Santhosh Hegde, learned Counsel for the petitioner, is that when the ranking assigned to the petitioner was altered to her disadvantage, no opportunity, was given to her of making a representation in that behalf. That the petitioner, is entitled to such an opportunity, is now well settled by the division, of the Supreme court, in UNION OF INDIA, Vs. P. K. ROY, (1968, Supreme court 850). It is not the case of the respondents that any such opportunity was given. Hence, the ranking assigned to the petitioner, in the final ISS. List has to be quashed.

3. But it was contended on behalf of the Union, Government, as well as on behalf of the State Government, that I should decline to exercise jurisdiction, under Article 226, of the Constitution, on the ground that the petitioner, has approached this court after an inordinate delay. This writ petition was filed on the 26th of June, 1969. The petitioner, has stated that she made a representation, on the 26th of June 1969. and as no relief was accorded to her, she has approached this court for relief. Another circumstance to be noted on G M. Shankaraiah, Vs, Union of India, (1965) 2. Mys. L. J. 40) the Attorney General had taken the stand that the final ISS. List impugned in that case was only in the nature of a proposal. In view of such stand taken on behalf of the Union, of India, the allottees whose names were included in the final ISS. List, thought that all final ISS. Lists prepared for the first time by the Union Government, were in the nature, of proposals and that there fore; another final ISS. List would there after be prepared after considering the representations of persons concerned It is only when the Supreme court clarified the position subsequantly and stated that the concession was confirmed to the facts of that case, that it became necessary, for persons affected by the published final ISS. List, to challenge the same by means of writ petitions. That is a circumstance which has to be taken into consideration, for the purpose of deciding as to whether the petitioner, has approached this court after an inordinate delay. Having regard to these circumstances, I will not be justified in declining to exercise jurisdiction on the ground of delay.

4. For the reasons stated above, this writ petition is allowed and the ranking assigned to the petitioner, in the final ISS. List of Pandits and Munshis in High Schools and Training Institutes of the Department of Public Instructions, published under Notification Dated 26th November 1967, published in Mysore Gazette, of 14th December 1967 is hereby quashed and the Union of Ind a the first respondent is directed to assign a fresh ranging to the petitioner, after giving an opportunity to the petitioner and others likely to be affected thereby, of making representations in that behalf. Time for compliance six months. No costs.

V. S. MALIMATH,
Judge.

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